

UNITED STATES OF AMERICA)
and SHERIFF BERRONG)
)
 Plaintiff/Respondent,)
)
 v.) No. 3:10-cv-12
)
 RALPH T. O'NEAL III)
)
 Defendant/Petitioner.)

In accordance with the accompanying Memorandum, the petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court thus **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

s/ Thomas W. Phillips
United States District Judge

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